

To determine if a position is eligible, you may find it helpful to ask the following three questions.

1. Will the position ever require 70 or more hours of compensated employment in a month?

—If the answer is *no*, the position is not eligible.
—If the answer is *yes*, ask question 2.
2. Will the position ever require five or more months with at least 70 hours of compensated employment per month in a 12-month period?

—If the answer is *no*, the position is not eligible.
—If the answer is *yes*, ask question 3.
3. Will the position normally meet this standard? That is, will the position require five months of 70 hours during each of two consecutive years?

—If the answer is *no*, the position is not eligible.
—If the answer is *yes*, the position is eligible.

Exceptions to Position Eligibility

In some circumstances a person may establish or continue membership even if he or she is employed in an ineligible position.

- A PERS member who leaves an eligible position to serve in a project position will continue in membership if the position requires at least 70 hours per month and the employee accepts the position conditioned on returning to a permanent eligible position at the completion of the project. [WAC 415-108-680(2) and WAC 415-108-0103]
- If an employee, in an ineligible position, made member contributions for at least nine months, the employee will be treated as having been in an eligible position during such period of employment. When it is discovered the position is ineligible, submit an end date on the next monthly transmittal and stop reporting the employee to DRS. [RCW 41.40.028]
- A PERS disability retiree may not establish PERS membership if employed in an eligible position unless receiving comparable compensation. [RCW 41.40.310 and 41.40.670]

- A retiree from SERS, TRS, LEOFF or WSPRS that retired with 15 or more years of service may not establish PERS membership if employed in an eligible position. [RCW 41.04.270]

Employees in Ineligible Positions Cannot Be Members

An employee hired into an *ineligible position* is not eligible for membership in PERS and is not to be reported on the monthly transmittal. Be sure to document that the position is ineligible. You may copy the “Position Eligibility Worksheet” in Chapter 12 to use for this purpose.

An ineligible position is one that normally *does not* require at least five months each year in which regular compensation is earned for at least 70 hours per month.

Example #1: A position requires part-time work for 60 hours each month for the entire year.

Explanation: The position is *not* eligible because employment is for less than 70 hours each month.

Example #2: A position requires full-time work for 3 months each year.

Explanation: The position is *not* eligible because employment is for less than five months each year.

Example #3: A new position is created that is funded for only one year and will then cease to exist. The new position will require full-time work.

Explanation: The position is *not* eligible because it does not exist on an ongoing basis. The position does not meet the definition of “normally.”

Employees Working in More than One PERS-Covered Position

All work an employee performs for you in a given month must be taken into account when determining an employee’s eligibility for membership. If the employee’s combined hours of employment meet the definition of an eligible position and if this is the employee’s normal pattern of employment, the employee is eligible for PERS membership.

An employee’s eligibility for membership is based only on his or her employment with you. An employee cannot combine hours of employment in positions with separate employers to establish membership in PERS.

Example #1: An employee normally works for you for 40 hours each month as a cook and for 40 hours each month as a bus driver.